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1-29-01

Sector 8

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of

MacKay et al

Serial No.: 09/691,419

Filed: October 17, 2000

Atty. File No.: 4103-61641

For: METHOD AND APPARATUS TO  
DETECT AND BREAK LOOP  
CONFIGURATION

Commissioner of Patents  
Box Missing Parts  
Washington, D.C. 20231



Group Art Unit:

Examiner:

SUBMISSION OF MISSING  
PARTS

CERTIFICATE OF MAILING

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS  
BEING DEPOSITED WITH THE UNITED STATES POSTAL  
SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE  
ADDRESSED TO ASSISTANT COMMISSIONER FOR  
PATENTS, WASHINGTON, DC 20231 ON February 19, 2001.

BY: Rebekah J. Ganz SHERIDAN ROSS P.C.

Dear Sir:

In response to the Notice to File Missing Parts dated December 20, 2000, in connection with the above-identified application, enclosed herewith please find a Declaration. Please note that the Assignment documents have been submitted to the Assignment Branch under separate cover on this same date.

Also enclosed please find a check for \$1018 which includes payment of the filing fee and the surcharge. Please credit any overpayment or debit any underpayment to Deposit Account No. 19-1970. A copy of the Notice to File Missing Parts is also enclosed.

Respectfully submitted,

SHERIDAN ROSS P.C.

By: Richard L. Hughes

Richard L. Hughes  
Registration No. 31,264  
1560 Broadway, Suite 1200  
Denver, Colorado 80202-5141  
(303) 863-9700

Date: Feb. 20, 2001

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(1) Inventor's Signature Gordon MacKay Date Feb 7, 2001

Inventor's Name (typed): Gordon MacKay

Citizenship: Canada

Residence: 1700 Halford Avenue, Apt. 302  
Santa Clara, California 95051



Post Office Address\*: Same as Residence

\*Complete Post Office Address in full if different from Residence, otherwise indicate that the Post Office Address is "Same as Residence."

(2) Inventor's Signature [Signature] Date FEB 7, 2001

Inventor's Name (typed): James P. Rivers

Citizenship: United States

Residence: 14760 Live Oak Lane  
Saratoga, CA 95070

Post Office Address\*: Same as Residence

\*Complete Post Office Address in full if different from Residence, otherwise indicate that the Post Office Address is "Same as Residence."

(3) Inventor's Signature Rita Ousterhout Date 2/7/01

Inventor's Name (typed): Rita Ousterhout

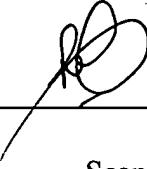
Citizenship: United States

Residence: 726 Ashby Drive  
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Post Office Address\*: Same as Residence

\*Complete Post Office Address in full if different from Residence, otherwise indicate that the Post Office Address is "Same as Residence."

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(4) Inventor's Signature  Date 2-7-2001

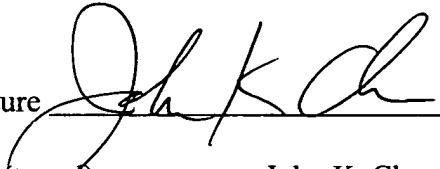
Inventor's Name (typed): Sean X. Wang

Citizenship: Canada

Residence: 40784 Laguna Place  
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Post Office Address\*: Same as Residence

\*Complete Post Office Address in full if different from Residence, otherwise indicate that the Post Office Address is "Same as Residence."

(5) Inventor's Signature  Date 2-7-2001

Inventor's Name (typed): John K. Chen

Citizenship: United States

Residence: 260 North Mathilda, #M8  
Sunnyvale, CA 94086

Post Office Address\*: Same as Residence

\*Complete Post Office Address in full if different from Residence, otherwise indicate that the Post Office Address is "Same as Residence."

DUTY TO DISCLOSE INFORMATION MATERIAL  
TO PATENTABILITY

(a) Information by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

(1) prior art cited in search reports of a foreign patent office in a counterpart application, and

(2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

(1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or

(2) It refutes, or is inconsistent with, a position the applicant takes in:

(i) Opposing an argument of unpatentability relied on by the Office, or

(ii) Asserting an argument of a patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.\*

\*Note, 37 CFR §1.97(h) states: "The filing of an information disclosure statement shall not be construed to be an admission that the information cited in the statement is, or is considered to be, material to patentability as defined in §1.56(b)."

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RULE 63 (37 CFR § 1.63)  
DECLARATION  
FOR PATENT APPLICATION  
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

As a below named inventor, I hereby declare that my residence, post office address and citizenship are as stated below next to my name, and I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled METHOD AND APPARATUS TO DETECT AND BREAK LOOP CONFIGURATION, which was filed October 17, 2000 and which as been assigned Serial No. 09/691,419, further identified as Attorney File No. 4103-61641.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose information which is material to patentability in accordance with 37 CFR 1.56(a) and (b) as set forth on the attached sheet indicated Page 3 hereof and which I have read.

I hereby claim foreign priority benefits under 35 U.S.C. 119/365 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s) <u>Number</u>	<u>Country</u>	<u>Day/Month/Year Filed</u>	Priority Claimed <u>Yes</u> <u>No</u>
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I hereby claim the benefit under 35 U.S.C. 120/365 of all United States and PCT international applications listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in such prior applications in the manner provided by the first paragraph of 35 U.S.C. 112, I acknowledge the duty to disclose information material to patentability in accordance with 37 CFR 1.56(a) and (b) which occurred between the filing date(s) of the prior application(s) and the national or PCT international filing date of this application:

<u>Application Serial No.</u>	<u>Filing Date</u>	<u>Status: patented, pending, abandoned</u>
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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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COMMISSIONER FOR PATENTS  
 UNITED STATES PATENT AND TRADEMARK OFFICE  
 WASHINGTON, D.C. 20231  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/691,419	10/17/2000	Gordon MacKay	4103-61641

Richard L. Hughes  
 SHERIDAN ROSS P.C.  
 1560 Broadway, Suite 1200  
 Denver, CO 80202-5141



## FORMALITIES LETTER



\*OC000000005630593\*

Date Mailed: 12/20/2000

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

## FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 710 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).*
- Total additional claim fee(s) for this application is \$178.
  - \$18 for 1 total claims over 20.
  - \$160 for 2 independent claims over 3 .
- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

• The balance due by applicant is \$ 1018.

710.00	00
18.00	00
160.00	00
130.00	18

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01	FC:101
02	FC:03
03	FC:102
04	FC:105

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Initial Patent Examination Division (703) 308-1202

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